

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
APPELLATE SIDE

Present:

The Hon'ble Justice Tapabrata Chakraborty
&
The Hon'ble Justice Partha Sarathi Chatterjee

MAT 1307 of 2025
+
IA No. CAN 1 of 2025

Rajkumar Pradhan
Versus
State of West Bengal &Ors.

<i>For the Appellant</i>	:	<i>Mr. Ekramul Bari</i> <i>Mr. Bharat Ch. Simai</i> <i>Mr. Syed Mansur Ali</i> <i>Mr. Alauddin Ahmed</i>
<i>For the State respondents</i>	:	<i>Mr. Supriyo Chattopadhyay, Ld. AGP</i> <i>Mr. Manoj Kumar Mondal</i>
<i>For the respondent no.4</i>	:	<i>Md. Sarwar Jahan</i> <i>Ms. Tapati Sarkar</i> <i>Ms. Shalini Sen</i> <i>Ms. Sahina Parvin</i>
<i>For the applicant in CAN 2/2025</i>	:	<i>Mr. Sakti Pada Jana</i> <i>Mr. Subhajyoti Das</i> <i>Ms. Sudipta Pramanik</i>
<i>For the intervener (in CAN 3 of 2025)</i>	:	<i>Mr. Ujjal Ray.</i>

Hearing is concluded on : *11th December, 2025*

Judgment On : **11th December, 2025**

Tapabrata Chakraborty, J.

1. The present appeal has been preferred challenging a judgment dated 06.08.2025 passed by the learned single Judge in two writ petitions being WPA 13480 of 2025 (hereinafter referred to as the first writ petition) and WPA 13584 of 2025 (hereinafter referred to as the second writ petition. The first writ petition was preferred by the then Secretary and the President of the Managing Committee of Chandra High School (hereinafter referred to as the said school) challenging a memo dated 16.12.2024 issued by the District Inspector of Schools (S.E.), Paschim Medinipur (hereinafter referred to as the DI) and the second writ petition was preferred by an assistant teacher of the said school, *inter alia*, praying for necessary direction upon the DI to take a decision as regards approval of the panel prepared for the post of AHM.

2. The following facts are not in dispute. For filling up the post of Assistant Headmaster (hereinafter referred to as AHM) in the said school initially a date of interview was fixed on 13.12.2024 but the same was postponed. A writ petition being WPA 29420 of 2024 was preferred by the school authorities for fixation of a further date for interview. By an order dated 25.02.2025, the DI was directed to fix a date of interview by seven

days from the date of communication of this order. In the said order it was further observed that the school authorities shall publish a notice granting adequate opportunity to all the eligible candidates to participate in the interview and that adequate time shall be provided to the eligible teachers to apply by submitting their candidature. The DI was also directed to supervise the entire selection process in order to bring the same to a logical conclusion. Pursuant to the said order, the DI by memo dated 19.03.2025 fixed the date of interview on 17.04.2025. In the said interview, 12 teachers from the said school applied for participation and 10 were found to be eligible for participation. However, by a memo dated 16.04.2025, the DI postponed the date of interview seeking information as to whether there is participation of any teacher appointed through 1st SLST, 2016. The teacher-in-charge of the said school by a letter dated 16.04.2025 intimated *inter alia* that none of the teachers who have applied for the post of AHM belong to the panel of 2016 which has been cancelled by the Hon'ble Supreme Court and sought for permission from the DI to hold the interview. On the pre-scheduled date of interview, i.e., on 17th April, 2025, the school authorities conducted the interview in which three candidates participated and a panel was prepared in which Rajkumar Pradhan (hereinafter referred to as Rajkumar) was placed in the first position.

3. Mr. Bari, learned advocate appearing for Rajkumar submits that the learned single Judge in the judgment impugned upon contested hearing came to a specific finding that the memo dated 16.04.2025 by which the DI postponed the interview fixed on 17.04.2025 was not sustainable in law and the same was set aside. The school authorities

accepted such direction and did not prefer any appeal. In view thereof, there can be no bar upon the DI to take a decision as regards approval of the panel of AHM as forwarded by the school authorities upon conducting the interview on 17.04.2025.

4. Mr. Bari argues that 7 candidates, who were aware of the entire fact scenario consciously chose not to participate in the interview which was held on 17.04.2025 and as such they cannot now turn back and claim that it was incumbent upon the authorities to conduct a fresh interview.

5. Drawing the attention of this Court to the guidelines for recruitment of AHM, particularly clause 5 of the said rules, Mr. Bari, submits that once the date of interview for the post of AHM has been fixed and communicated to any of the candidates, the interview shall not be postponed except under severe emergency or natural calamity. In the admitted absence of such contingencies, there had been no illegality in conducting the interview on 17.04.2025 and such act cannot be interfered with at this stage. Upon competing in the said selection process, Rajkumar had emerged to be successful. For the whims and fancies of the other candidates and for their conscious decision not to participate in the interview, who were aware of the entire factual scenario, Rajkumar cannot be made suffer.

6. Mr. Chattopadhyay, learned Additional Government Pleader appearing for the State, however, denies and disputes the contention of Mr. Bari and submits that a composite reading of the judgment impugned would reveal that the learned single Judge upon arriving at a finding that

there might have been a confusion in the mind of the participants observed that all candidates, who applied for the post must be allowed to compete. Such selection cannot be restricted to only three candidates moreso when, in all the orders in the earlier as well as in the present round of litigation the Court had specifically observed that DI would be having the jurisdiction to supervise the entire selection process.

7. Mr. Jahan, learned advocate appearing for the school authorities submits that there were 10 applicants for the post of AHM. Due to the confusion that had occurred, seven candidates could not appear in the interview. In a selection process appropriate opportunity should be granted to all the participants moreso when, in case of filling up a post of AHM, the teachers in the self-same school would be the participating candidates.

8. Mr. Ray, learned advocate appearing for the added applicant, who happens to be an Assistant Teacher in the said school having qualification to participate in the selection process, contends that at this stage in the event the panel prepared in the interview, in which there were only three participants, is relegated for a decision towards approval of the panel to the DI, the applicant would be losing the right to compete for the post and to establish that he is a much better candidate than the three candidates including Rajkumar, who had appeared in the interview on 17.04.2025. In support of such contention he has drawn our attention to the recruitment guidelines which earmark 30 marks for academic qualification, 5 marks for experience and 5 marks for personality test.

9. Mr. Jana, learned advocate appearing for Pritam Chakraborty, adopts the submission of Mr. Ray and submits that on 17.04.2025 Pritam could not participate in the interview since he was called by the Deputy Secretary, West Bengal School Council of Higher Secondary Education, Medinipur, Regional Office *vide* memo dated 16.04.2025 to attend the Medinipur Regional Office on 17.04.2025 at 11.30 a.m.

10. In reply, Mr. Bari submits that the school authorities cannot change their stand on a purported ground reason that a new managing has come to power. It is well established that decision taken by an outgoing Managing Committee would be binding upon the new Managing Committee constituted for administering the said school.

11. We have heard the learned advocates appearing for the respective parties and considered the materials on record.

12. It is well settled that an appellate power interferes not when the order appealed is not right but only when it is clearly wrong. A Court of Appeal should not ordinarily interfere with the discretion exercised by the Court below. A perusal of the order passed in the earlier writ petition being WPA 29420 of 2024 would reveal that the intent of the Court was that the selection process should be conducted upon allowing all eligible candidates to appear in the same. The Court specifically observed that on the date fixed by the DI for interview, the school authorities shall publish a notice granting adequate opportunity to all eligible teachers. It was also observed that the DI shall supervise the entire selection process in order to bring the same to a logical conclusion. It is true that in the impugned judgment the learned single Judge interfered with the decision of the DI

contained in the memo dated 16.04.2025 towards postponement of the interview which was previously fixed on 17.04.2025. However, it has been observed by the learned single Judge that *‘there might be certain reasons for absence of seven eligible candidates in the interview on 17th April, 2025 but one of the reasons as it is perceived was said impugned memo dated 16th April, 2025’. There might have been confusion amongst eligible candidates due to the said memo dated 16th April, 2025 whereby the respondent no.3 postponed the interview scheduled on 17th April, 2025’*. In the fact situation, it cannot be ruled out that there was a confusion as to whether the interview would be conducted on 17.04.2025 and accordingly, the Court rightly had directed holding an interview afresh.

13. We find substance in the argument advanced by Mr. Ray that in the event the issue of approval of the panel which has been prepared pertaining to the interview on 17.04.2025 in which only three candidates participated, is relegated to the DI for consideration for approval of the same, the other eligible candidates would not be able to establish their eligibility, competence and experience if no interview is held afresh.

14. In the said conspectus, the Court rightly directed the school authorities to hold the interview afresh for ensuring due participation of all the eligible teachers for the post of AHM and we do not find any infirmity in such direction.

15. Accordingly, the appeal and the application for stay are dismissed. The other applications for addition of parties being CAN 2 of 2025 and CAN 3 of 2025 had already been disposed of earlier.

16. It has been pointed out that the learned single Judge directed the DI to notify the date of interview within 7 days from the date of the judgment thereby fixing the date of the interview within 30 days thereafter. Due to pendency of the present appeal, the said period has already expired. The direction upon the DI to notify the date of interview is extended till 07.01.2026 and the date of interview shall be fixed within 30 days thereafter.

17. There shall, however, be no order as to costs.

18. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, J.)